

MEMORANDUM

TO: Members, Clark Fork Basin Water Management Task Force

FROM: Matthew McKinney, Executive Director
Gerald Mueller, Project Coordinator
Mark Lambert, Project Associate

SUBJECT: Summary of February 3, 2003 Meeting

DATE: November 22, 2005

Participants

The following members of the Task Force were present:

Task Force Members:

Eugene Manley	Granite County
Harvey Hackett	Bitterroot Water Forum
Fred Lurie	Blackfoot Challenge
Bill Slack	Lower Flathead (St. Ignatius)
Steve Fry	Avista Corp.
Phil Tourangeau	Confederated Salish and Kootenai Tribes
Marc Spratt	Flathead Conservation District
Gail Patton	Sanders County
Holly Franz	PPL Montana
Matt Clifford	Clark Fork Coalition

Staff:

Matt McKinney	Montana Consensus Council (MCC)
Gerald Mueller	MCC
Mark Lambert	MCC
Mike McLane	Montana Department of Natural Resources and Conservation (DNRC)
Rich Moy	DNRC

Legislature:

Rep. Verdell Jackson	Kalispell
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Meeting Goals

- Discuss Flathead Basin closure
- Review Vision Statement
- Review options for protecting the security of water rights
- Identify strategies for the orderly development of water
- Identify strategies for conservation of water

Announcements

The US Fish and Wildlife Service (USFWS) has released proposed critical habitat designation and a draft recovery plan for bull trout. The draft plan can be found at <http://pacific.fws.gov/bulltrout/recovery>. Written comments on the plan may be mailed to the Fish and Wildlife Service, Snake River Basin Office, Attention Robert Ruesnik, 1387 W. Vinnell Way, Room

368, Boise, ID 83709 until February 27, 2003. Comments on the proposed designation of critical bull trout habitat have been extended for 90 days past the initial deadline of January 28, 2003. Comments should be submitted to John Young, Bull Trout Coordinator, USFWS, 911 N.E. 11th Ave., Portland, OR 97232. The Task Force requested that someone from the USFWS present the proposed recovery plan and critical habitat designation at its March meeting.

The Hydrology Issue Paper will be delivered to the Task Force at the March meeting.

Discussion: General Basin Closures

- Basin closure is flexible—it can be adapted to the needs of any particular sub-basin
- Limits new appropriations by source, usually differentiating between surface and groundwater
- Identifies what uses are allowed
- Usually established statutorily (via legislative petition) or by administrative rule
- Usually seasonal closures (not closed during periods of runoff)
- Storage is typically exempted from a basin closure
- Limitations include:
 1. New appropriations
 2. Surface and groundwater usage
 3. Other uses
- Basin closures typically result from:
 1. Perceived shortage of water
 2. Inability of waters users to access water
 3. Establishment of a reservation system
 4. Tribal/federal compacts

Presentations

1. Water Availability in Clark Fork Basin and Flathead River Sub-Basin
Marc Spratt, RLK Hydro Inc., Task Force Member
(Hard copies available)

2. Representative Verdell Jackson, Kalispell

- Original bill introduced to supplement water planning done in other basins
- Widespread support from beginning because the process involved actual water users
- Intended to:
 1. Facilitate compromise between users
 2. Establish highest and best uses of river water, not necessarily based on dollar value
 3. Approach the planning pro-actively, before intractable problems arise
 4. Accommodate multiple use, including irrigation, recreation, municipal use, and conservation
- Basin closure was not intended; however, some tributaries in the Flathead sub-basin might need to be considered for closure

- Status of process uncertain due to continued tribal negotiations

Discussion: Flathead Basin Closure

Basin representatives argue that:

- Water is available year-round for new appropriations
- Consumptive uses not affecting annual discharge from the Flathead Basin
- Hypothesis: Ground water storage buffers annual yield
- We need to know that average annual recharge
- If appropriations exceed annual groundwater recharge, then basin discharge will be reduced
- Available data indicate that there is unappropriated water in all Flathead sub-basins
- We don't yet understand the connection between wastewater and existing hydrology

An important question is will the water right at Kerr Dam constrain future development above the Dam?

Discussion: Vision Statement

Vision statement was amended as constituted by the Task Force. (Revised version enclosed.)

Protection of Security of Water Rights

Discussion postponed until March.

Next Meeting

Please note that the March 3 meeting will be held in a conference room at the Missoula Public Library, 301 E. Main in Missoula. The meeting will start at 9:30 am. We will not be meeting at the Fish, Wildlife and Parks Headquarters location.

The March Meeting Agenda will be sent out soon.

Those of you absent from this meeting will be mailed a hard copy of Mr. Spratt's presentation.